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EXAMINER	
MARSH, OLIVIA MARIE	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/099,640	NAJAFI, HAMID	
	Examiner	Art Unit	
	Olivia Marsh	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *2,4,13,15,23 and 25* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-12,14,16-22,24 and 26-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 10, 11, 12, 14, 21, 22, 24, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson *et al* (U.S. 6,038,438) in view of MacConnell *et al* (U.S. 6275164 B1) in further view of van der Pol *et al* (U.S. 6397133 B1).

As to **claim 1**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, liens 41-44) and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) receiving an emergency beacon activation signal (column 7, lines 26-27), reading on claimed "receiving, from a source, a first message having a first beacon activation command," and activating a beacon in response to the activation signal (column7, lines 28-29), reading on claimed, "activating a beacon in response to the first beacon activation the command."

However, Beeson fails to teach embedding location information of a wireless phone into a beacon wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by MacConnell.

In an analogous art, MacConnell teaches an enhanced locator beacon apparatus having a bi-directional communication capability, which broadcasts a identifying serial number in addition to the beacon signal (column 1, lines 5-9). MacConnell also teaches the ELB device includes a transmitter coupled to the controller and the voice synthesizer selectively broadcasts a locator beam signal, an audio modulated, digital version of the unit identification, and the voice identification message via the ELB antenna (column 3, lines 42-46). MacConnell also teaches the ELB device also includes a receiver coupled to the controller and the ELB antenna, which, in conjunction with the transmitter, provides a two way voice communication capability between the ELB device and a remote transceiver, via the ELB antenna (column 3, lines 65-66). MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method to be performed in a wireless phone comprising the steps of receiving, from a source, a first message having a first beacon activation command, activating a beacon in response to the first beacon activation the command, as taught by Beeson, embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, to shorten the amount of time for searching for missing persons utilizing emergency locator beacon devices.

However, neither Beeson nor MacConnell teach prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by van der Pol.

In the same field of endeavor, van der Pol teaches a safety system for vehicles, particularly a sensing and notification system that helps prevent vehicle rollover accidents, or, in the event of such an accident, notifies emergency rescue and/or medical personnel of the same (column 1, lines 10-14). van der Pol also teaches the local sensing and notification subsystem 11 depicted in FIG. 2 also includes a GPS receiver 22 for receiving signals from global positioning satellites 12 to identify the location of the vehicle 10, and a local radio communications transceiver 24 for transmitting signals related to an immediate rollover condition to the remote radio communications transceiver 14 and to provide local notification to the vehicle operator or occupants, in this preferred embodiment, the local sensing and notification subsystem 11 further includes an audible alarm 30 (e.g., a siren) and a visible alarm 32 (e.g., a strobe light), one or both of which is activated by the microprocessor of the central controller 20 when a potential or immediate rollover condition exists (column 7, lines 20-34). van der Pol also teaches the local sensing and notification subsystem includes a display panel 35 which may be used to provide the operator or vehicle occupants with information about the present operating conditions of the vehicle and the potential for rollover (column 7, lines 40-41). van der Pol also teaches an emergency alarm cancel switch 34 which, when activated by a vehicle operator or occupant, cancels the emergency alarms and/or the transmission of an emergency signal (column 11, lines 36-39). van der Pol also teaches when a rollover has occurred, the tone and volume of the audible alarm 30 encourages the vehicle operator to cancel the alarm 30 using the emergency cancel switch 34, and, if the vehicle operator is unable

to do so, the alarm 30 may also aid rescuers in locating the accident site (column 11, lines 60-64). van der Pol also teaches the warning alarm (which may be the audible alarm 30 and/or visible 32 alarm, as described above) is activated, and a signal is transmitted to the display panel 35 causing the panel 35 to display a corresponding warning message (column 12, lines 50-55). van der Pol also teaches the logic flow proceeds to operation box 132, and a signal is sent to the display panel 25 causing a cancellation request to be displayed on the panel 35 (column 12, line 67; column 13, lines 1-2), reading on claimed "prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method to be performed in a wireless phone comprising the steps of receiving, from a source, a first message having a first beacon activation command, activating a beacon in response to the first beacon activation the command, as taught by Beeson, embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command, as taught by van der Pol, to provide the operator of the mobile communication device the opportunity to cancel a false emergency signal.

As to **claim 3**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 1; however, Beeson fails to teach sending a message having location information to the source. The Examiner maintains this feature was old and well known in the art as taught by MacConnell.

MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "sending a message having location information to the source."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the method, taught by Beeson, MacConnell, and van der Pol, to send a message having location information to the sources, also taught by MacConnell, to ensure the position information of the wireless user is obtained by the requesting party.

As to **claim 10**, Beeson, MacConnell, and van der Pol teach everything as applied in claim 1 and Beeson further teaches the first message received includes a SMS text message (see column 6, lines 1-3 and column 5 lines 30-33), reading on claimed "first message includes a SMS text message."

As to **claim 11**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, liens 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) comprises a transceiver (54) for receiving an activation signal (column 4, lines 56-57), reading on claimed "means for receiving, from a source, a first message having a first beacon activation command," and a microprocessor (50) that enables generation and transmission of the emergency radio beacon by transceiver (54), reading on claimed "means for activating a beacon in response to the first beacon activation command," in response to receipt of emergency beacon activation signal (column 4, lines 49-52).

However, Beeson fails to teach means for embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by MacConnell.

MacConnell teaches an enhanced locator beacon apparatus having a bi-directional communication capability, which broadcasts an identifying serial number in addition to the beacon signal (column 1, lines 5-9). MacConnell also teaches the ELB device includes a transmitter coupled to the controller and the voice synthesizer selectively broadcasts a locator beam signal, an audio modulated, digital version of the unit identification, and the voice identification message via the ELB antenna (column 3, lines 42-46). MacConnell also teaches the ELB device also includes a receiver coupled to the controller and the ELB antenna, which, in conjunction with the transmitter, provides a two way voice communication capability between the ELB device and a remote transceiver, via the ELB antenna (column 3, lines 65-66). MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "means for embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the wireless phone comprising means for receiving, from a source, a first

message having a first beacon activation command and means for activating a beacon in response to the first beacon activation command, as taught by Beeson, means for embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, to shorten the amount of time for searching for missing persons utilizing emergency locator beacon devices.

However, neither Beeson nor MacConnell teach prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by van der Pol.

van der Pol teaches a safety system for vehicles, particularly a sensing and notification system that helps prevent vehicle rollover accidents, or, in the event of such an accident, notifies emergency rescue and/or medical personnel of the same (column 1, lines 10-14). van der Pol also teaches the local sensing and notification subsystem 11 depicted in FIG. 2 also includes a GPS receiver 22 for receiving signals from global positioning satellites 12 to identify the location of the vehicle 10, and a local radio communications transceiver 24 for transmitting signals related to an immediate rollover condition to the remote radio communications transceiver 14 and to provide local notification to the vehicle operator or occupants, in this preferred embodiment, the local sensing and notification subsystem 11 further includes an audible alarm 30 (e.g., a siren) and a visible alarm 32 (e.g., a strobe light), one or both of which is activated by the microprocessor of the central controller 20 when a potential or immediate rollover condition exists (column 7, lines 20-34). van der Pol also teaches the local sensing and notification subsystem includes a display panel 35 which may be used to provide the operator or vehicle occupants with information about the present operating conditions of the vehicle and the

potential for rollover (column 7, lines 40-41). van der Pol also teaches an emergency alarm cancel switch 34 which, when activated by a vehicle operator or occupant, cancels the emergency alarms and/or the transmission of an emergency signal (column 11, lines 36-39). van der Pol also teaches when a rollover has occurred, the tone and volume of the audible alarm 30 encourages the vehicle operator to cancel the alarm 30 using the emergency cancel switch 34, and, if the vehicle operator is unable to do so, the alarm 30 may also aid rescuers in locating the accident site (column 11, lines 60-64). van der Pol also teaches the warning alarm (which may be the audible alarm 30 and/or visible 32 alarm, as described above) is activated, and a signal is transmitted to the display panel 35 causing the panel 35 to display a corresponding warning message (column 12, lines 50-55). van der Pol also teaches the logic flow proceeds to operation box 132, and a signal is sent to the display panel 25 causing a cancellation request to be displayed on the panel 35 (column 12, line 67; column 13, lines 1-2), reading on claimed "prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the wireless phone comprising means for receiving, from a source, a first message having a first beacon activation command and means for activating a beacon in response to the first beacon activation command, as taught by Beeson, means for embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command, as taught by van der Pol, to provide the operator of the mobile communication device the opportunity to cancel a false emergency signal.

As to **claim 12**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, liens 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). The emergency beacon capable mobile phone (24) is controlled by microprocessor (50) (column 4, lines 38-39; Figure 2), reading on claimed "computer readable medium." It is inherent that a microprocessor would possess instructions to control all functions of the mobile phone (24). Beeson also teaches mobile phone (24) comprises a transceiver (54) for receiving an activation signal (column 4, lines 56-57), reading on claimed "receiving, from a source, a first message having a first beacon activation command," and the microprocessor (50) that enables generation and transmission of the emergency radio beacon by transceiver (54), reading on claimed "activating a beacon per the command," in response to receipt of emergency beacon activation signal (column 4, lines 49-52).

However, Beeson fails to teach embedding location information of a wireless phone into a beacon wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by MacConnell.

MacConnell teaches an enhanced locator beacon apparatus having a bi-directional communication capability, which broadcasts an identifying serial number in addition to the beacon signal (column 1, lines 5-9). MacConnell also teaches the ELB device includes a transmitter coupled to the controller and the voice synthesizer selectively broadcasts a locator beam signal, an audio modulated, digital version of the unit identification, and the voice identification message via the ELB antenna (column 3, lines 42-46). MacConnell also teaches

the ELB device also includes a receiver coupled to the controller and the ELB antenna, which, in conjunction with the transmitter, provides a two way voice communication capability between the ELB device and a remote transceiver, via the ELB antenna (column 3, lines 65-66). MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the computer medium for storing instructions to cause a wireless phone to perform a method comprising the steps of receiving, from a source, a first message having a first beacon activation command, activating a beacon in response to the first beacon activation the command, as taught by Beeson, embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, to shorten the amount of time for searching for missing persons utilizing emergency locator beacon devices.

However, neither Beeson nor MacConnell teach prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by van der Pol.

van der Pol teaches a safety system for vehicles, particularly a sensing and notification system that helps prevent vehicle rollover accidents, or, in the event of such an accident, notifies emergency rescue and/or medical personnel of the same (column 1, lines 10-14). van der Pol also teaches the local sensing and notification subsystem 11 depicted in FIG. 2 also includes a GPS receiver 22 for receiving signals from global positioning satellites 12 to identify the location of the vehicle 10, and a local radio communications transceiver 24 for transmitting signals related to an immediate rollover condition to the remote radio communications transceiver 14 and to provide local notification to the vehicle operator or occupants, in this preferred embodiment, the local sensing and notification subsystem 11 further includes an audible alarm 30 (e.g., a siren) and a visible alarm 32 (e.g., a strobe light), one or both of which is activated by the microprocessor of the central controller 20 when a potential or immediate rollover condition exists (column 7, lines 20-34). van der Pol also teaches the local sensing and notification subsystem includes a display panel 35 which may be used to provide the operator or vehicle occupants with information about the present operating conditions of the vehicle and the potential for rollover (column 7, lines 40-41). van der Pol also teaches an emergency alarm cancel switch 34 which, when activated by a vehicle operator or occupant, cancels the emergency alarms and/or the transmission of an emergency signal (column 11, lines 36-39). van der Pol also teaches when a rollover has occurred, the tone and volume of the audible alarm 30 encourages the vehicle operator to cancel the alarm 30 using the emergency cancel switch 34, and, if the vehicle operator is unable to do so, the alarm 30 may also aid rescuers in locating the accident site (column 11, lines 60-64). van der Pol also teaches the warning alarm (which may be the audible alarm 30 and/or visible 32 alarm, as described above) is activated, and a signal is transmitted to the display panel 35 causing the panel 35 to display a corresponding warning message (column 12, lines 50-55). van der Pol also teaches the logic

flow proceeds to operation box 132, and a signal is sent to the display panel 25 causing a cancellation request to be displayed on the panel 35 (column 12, line 67; column 13, lines 1-2), reading on claimed "prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the computer medium for storing instructions to cause a wireless phone to perform a method comprising the steps of receiving, from a source, a first message having a first beacon activation command, activating a beacon in response to the first beacon activation the command, as taught by Beeson, embedding location information of the wireless phone into the beacon, wherein the location information is determined by using a satellite positioning receiver in the wireless phone after receipt of the first beacon activation command, as taught by MacConnell, prior to activating of the beacon, a warning message indicating pending beacon activation is displayed after receiving the first beacon activation command, as taught by van der Pol, to provide the operator of the mobile communication device the opportunity to cancel a false emergency signal.

As to **claim 14**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 12; however, Beeson fails to teach sending a message having location information to the source. The Examiner maintains this feature was old and well known in the art as taught by MacConnell.

MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path

34 (column 6, lines 56-61), reading on claimed "sending a message having location information to the source."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the computer readable medium and method, taught by Beeson, MacConnell, and van der Pol, to send a message having location information to the sources, also taught by MacConnell, to ensure the position information of the wireless user is obtained by the requesting party.

As to **claim 21**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 12 and Beeson further teaches the first message received includes a SMS text message (see column 6, lines 1-3 and column 5 lines 30-33), reading on claimed "first message includes a SMS text message."

As to **claim 22**, Beeson teaches a mobile telephone system (10) comprising an emergency beacon capable mobile phone (24) (column 3, liens 41-44), reading on claimed "wireless phone," and a base radio transceiver (30) that receives emergency calls on radio wave (28) from mobile phone (24) (column 3, lines 49-50). Beeson also teaches mobile phone (24) comprises a transceiver (54), reading on claimed "wireless transceiver," for receiving an activation signal (column 4, lines 56-57) coupled to a microprocessor (50) (Figure 2), reading on claimed "a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command" that enables generation and transmission of the emergency radio beacon by an emergency radio beacon signal generator (60), reading on claimed "beacon engine," and transceiver (54) in response to receipt of emergency beacon activation signal (column 4, lines 49-52) , reading on claimed "a beacon engine, communicatively coupled to the communications engine and to the

transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command."

However, Beeson fails to teach a location determining device capable of using a satellite positioning system and a beacon engine further capable to embed location information of the wireless phone into the beacon obtained from the location determining device after receipt of the first beacon activation command. The Examiner contends this feature was old and well known in the art at the time of invention as taught by MacConnell.

MacConnell teaches an enhanced locator beacon apparatus having a bi-directional communication capability, which broadcasts an identifying serial number in addition to the beacon signal (column 1, lines 5-9). MacConnell also teaches the ELB device includes a transmitter coupled to the controller and the voice synthesizer selectively broadcasts a locator beam signal, an audio modulated, digital version of the unit identification, and the voice identification message via the ELB antenna (column 3, lines 42-46). MacConnell also teaches the ELB device also includes a receiver coupled to the controller and the ELB antenna, which, in conjunction with the transmitter, provides a two way voice communication capability between the ELB device and a remote transceiver, via the ELB antenna (column 3, lines 65-66). MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "a location determining device capable of using a satellite positioning system and a beacon engine further capable to embed location information of the wireless phone into the beacon obtained from the location determining device after receipt of the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the wireless phone to comprise a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command, a beacon engine, communicatively coupled to the communications engine and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command, as taught by Beeson, a location determining device capable of using a satellite positioning system and a beacon engine further capable to embed location information of the wireless phone into the beacon obtained from the location determining device after receipt of the first beacon activation command, as taught by MacConnell, to shorten the amount of time for searching for missing persons utilizing emergency locator beacon devices.

However, neither Beeson nor MacConnell teach an interface engine communicatively coupled to the communications engine, capable of displaying a warning message indicating pending beacon activation after receipt of the first beacon activation command and prior to the transmission of the beacon. The Examiner contends this feature was old and well known in the art at the time of invention as taught by van der Pol.

van der Pol teaches a safety system for vehicles, particularly a sensing and notification system that helps prevent vehicle rollover accidents, or, in the event of such an accident, notifies emergency rescue and/or medical personnel of the same (column 1, lines 10-14). van der Pol also teaches the local sensing and notification subsystem 11 depicted in FIG. 2 also includes a GPS receiver 22 for receiving signals from global positioning satellites 12 to identify the location of the vehicle 10, and a local radio communications transceiver 24 for transmitting signals related to an immediate rollover condition to the remote radio communications transceiver 14 and to provide local notification to the vehicle operator or occupants, in this

preferred embodiment, the local sensing and notification subsystem 11 further includes an audible alarm 30 (e.g., a siren) and a visible alarm 32 (e.g., a strobe light), one or both of which is activated by the microprocessor of the central controller 20 when a potential or immediate rollover condition exists (column 7, lines 20-34). van der Pol also teaches the local sensing and notification subsystem includes a display panel 35 which may be used to provide the operator or vehicle occupants with information about the present operating conditions of the vehicle and the potential for rollover (column 7, lines 40-41). van der Pol also teaches an emergency alarm cancel switch 34 which, when activated by a vehicle operator or occupant, cancels the emergency alarms and/or the transmission of an emergency signal (column 11, lines 36-39). van der Pol also teaches when a rollover has occurred, the tone and volume of the audible alarm 30 encourages the vehicle operator to cancel the alarm 30 using the emergency cancel switch 34, and, if the vehicle operator is unable to do so, the alarm 30 may also aid rescuers in locating the accident site (column 11, lines 60-64). van der Pol also teaches the warning alarm (which may be the audible alarm 30 and/or visible 32 alarm, as described above) is activated, and a signal is transmitted to the display panel 35 causing the panel 35 to display a corresponding warning message (column 12, lines 50-55). van der Pol also teaches the logic flow proceeds to operation box 132, and a signal is sent to the display panel 25 causing a cancellation request to be displayed on the panel 35 (column 12, line 67; column 13, lines 1-2), reading on claimed "an interface engine communicatively coupled to the communications engine, capable of displaying a warning message indicating pending beacon activation after receipt of the first beacon activation command and prior to the transmission of the beacon."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the wireless phone to comprise a communication engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a

first beacon activation command, a beacon engine, communicatively coupled to the communications engine and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command, as taught by Beeson, a location determining device capable of using a satellite positioning system and a beacon engine further capable to embed location information of the wireless phone into the beacon obtained from the location determining device after receipt of the first beacon activation command, as taught by MacConnell, an interface engine communicatively coupled to the communications engine, capable of displaying a warning message indicating pending beacon activation after receipt of the first beacon activation command and prior to the transmission of the beacon, as taught by van der Pol, to provide the operator of the mobile communication device the opportunity to cancel a false emergency signal.

As to **claim 24**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 22; however, Beeson fails to teach sending a message having location information to the source. The Examiner maintains this feature was old and well known in the art as taught by MacConnell.

MacConnell also teaches ELB device 20 incorporates a global positioning system (GPS) receiver 74 and GPS receiver 74 converts signals 33 received from a plurality of GPS satellites 32 into a precise location and this GPS location information is then transmitted, both vocally and digitally, to ELB satellites 26, commercial aircraft 28 and private aircraft 29 via transmission path 34 (column 6, lines 56-61), reading on claimed "the beacon engine is further capable to send a message having location information to the source."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the wireless phone, taught by Beeson, MacConnell, and van der Pol, to send a message having location information to the sources, also taught by

MacConnell, to ensure the position information of the wireless user is obtained by the requesting party.

As to **claim 31**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 22 and Beeson additionally teaches the wireless phone capable of receiving an emergency beacon activation command which includes a SMS text message (see column 6, lines 1-3 and column 9, lines 1-3), reading on claimed "first message includes a SMS text message.

As to **claim 32**, Beeson, MacConnell, and van der Pol, teach everything as applied in claim 22; however, neither Beeson nor MacConnell teach the beacon is activated a pre-specified amount of time after the displaying of the message. The Examiner contends this feature was old and well known in the art at the time of invention as taught by van der Pol.

van der Pol also teaches the logic flow proceeds to operation box 132, and a signal is sent to the display panel 25 causing a cancellation request to be displayed on the panel 35; the system waits a predetermined time period, as measured by the timer 108. Proceeding to decision 136, and if no cancellation signal is received within the predetermined time period, the emergency mode is activated at operation box 140 (column 13, lines 2-10), reading on claimed "the beacon is activated a pre-specified amount of time after the displaying of the message."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, taught by Beeson, MacConnell, and van der Pol, the beacon is activated a pre-specified amount of time after the displaying of the message, to provide the operator of the mobile communication device the opportunity to cancel a false emergency signal.

3. Claims 5-8, 16-19, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson, MacConnell, and van der Pol as applied to claims 1, 12, and 22 above, and further in view of Eagleson *et al* (U.S. 6,765,484).

As to **claim 5**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 1; however, neither teaches the first beacon activation command includes beacon parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

In an analogous art, Eagleson teaches a beacon tag (12) embedding a signpost code (93), reading on claimed "location information," within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57). Eagleson also teaches a tag command field (43), reading on claimed "beacon activation command," in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a fast beacon rate, or operate at a slow beacon rate (see column 11, lines 58-67), reading on claimed "first beacon activation command includes beacon parameters."

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method and first beacon activation command, taught

by Beeson, MacConnell, and van der Pol, to contain beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation and environment.

As to **claim 6**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 1 and Eagleson teaches everything as applied claim 5; however, Beeson, MacConnell, and van der Pol fail to teach receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command.

Eagleson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5). Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22), reading on claimed "receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the method and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, a first beacon activation command with beacon parameters, as taught by Eagleson, to have a second beacon activation command with differing parameters from the first beacon activation command, also taught by Eagleson, to provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 7**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 1 and Eagleson teaches everything as applied to claims 5-6; however, Beeson,

MacConnell, and van der Pol fail to teach the beacon parameters include beacon power, beacon cadence, and beacon duration. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22), reading on claimed "beacon parameters include beacon power, beacon cadence, and beacon duration." Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, to accept a second beacon command with different parameters, as taught by Eagleson, and further requiring the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 8**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 1; however, Beeson, MacConnell, and van der Pol fail to teach using default beacon parameters if the beacon activation command does not include parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command

(column 7, lines 54-60), reading on claimed "activating uses default beacon parameters if the beacon activation command does not include parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson, MacConnell, and van der Pol, to use default beacon parameters if the beacon activation command does not include parameters, taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

As to **claim 16**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 12; however, neither teaches the first beacon activation command includes beacon parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson also teaches a beacon tag (12) embedding a signpost code (93), reading on claimed "location information," within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57). Eagleson also teaches a tag command field (43), reading on claimed "beacon activation command," in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a fast beacon rate, or operate at a slow beacon

rate (see column 11, lines 58-67), reading on claimed "first beacon activation command includes beacon parameters."

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer readable medium, and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, to contain beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation and environment.

As to **claim 17**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 12 and Eagleson teaches everything as applied claim 16; however, Beeson, MacConnell, and van der Pol fail to teach receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command.

Eagleson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5). Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22), reading on claimed "receiving a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the computer readable medium and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, a first beacon activation command with beacon parameters, as taught by Eagleson, to have a second beacon activation command with differing parameters from the first beacon activation command, also taught by Eagleson, to

provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 18**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 12 and Eagleson teaches everything as applied to claims 16-17; however, Beeson, MacConnell, and van der Pol fail to teach the beacon parameters include beacon power, beacon cadence, and beacon duration. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22), reading on claimed "beacon parameters include beacon power, beacon cadence, and beacon duration." Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer readable medium and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, to accept a second beacon command with different parameters, as taught by Eagleson, and further requiring the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 19**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 12; however, Beeson, MacConnell, and van der Pol fail to teach using default beacon parameters if the beacon activation command does not include parameters. The Examiner

maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command (column 7, lines 54-60), reading on claimed "activating uses default beacon parameters if the beacon activation command does not include parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer readable medium, taught by Beeson, MacConnell, and van der Pol, to use default beacon parameters if the beacon activation command does not include parameters, taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

As to **claim 26**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 22; however, Beeson, MacConnell, and van der Pol fail to teach the first beacon activation command includes beacon parameters and wherein the beacon engine transmits the beacon according to the beacon parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson also teaches a beacon tag (12) embedding a signpost code (93), reading on claimed "location information," within word (81) (column 7, lines 15-19). The signpost code (93) is identical to the signpost code (42) last received from a signpost (11) (column 7, lines 15-19; column 4, lines 21-24). Eagleson also teaches, in Figure 7, a reader (261) receives a beacon signal (282) from a beacon tag (271) that receives signpost signals (281) from signpost (241) (column 13, lines 41-43). The beacon signal (282) contains the signpost code of the signpost (241) (column 12, line 46-48) and the reader (261) can determine the current location of the

beacon tag (271) since the reader (261) knows the physical location of the signpost (241) and the beacon tag (271) is in the transmission range of signpost (241) (column 13, lines 53-57). Eagleson also teaches a tag command field (43), reading on claimed "beacon activation command," in word (36) of signpost signal (24), is a 2-bit field which is used to instruct a beacon tag (12) to either turn itself off, on, operate at a fast beacon rate, or operate at a slow beacon rate (see column 11, lines 58-67), reading on claimed "first beacon activation command includes beacon parameters and wherein the beacon engine transmits the beacon according to the beacon parameters."

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, to provide the beacon activation command to contain beacon parameters and wherein the beacon engine transmits the beacon according to the beacon parameters, also taught by Eagleson, to ensure a beacon signal from wireless user requesting emergency assistance can be aided in any various situation and environment.

As to **claim 27**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 22 and Eagleson teaches everything as applied claim 26; however, Beeson, MacConnell, and van der Pol fail to teach the communications engine is further capable to receive a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command, and wherein the beacon engine is further capable to transmit the beacon according to the beacon parameters of the second beacon activation command. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Eagleson.

Eagleson further teaches the beacon tag can receive multiple beacon activation commands in succession and each command can possess different parameters (Figures 4 & 5).

Eagleson also reveals that the beacon tag can change the parameters of the beacon signal based on the parameters received by the activation command (see column 12, lines 19-22), reading on claimed "the communications engine is further capable to receive a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command, and wherein the beacon engine is further capable to transmit the beacon according to the beacon parameters of the second beacon activation command."

It would have been obvious to one of ordinary skill in the art at the time of invention was made to further require the wireless phone, communications engine, and beacon engine, and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, the first beacon activation command includes beacon parameters and wherein the beacon engine transmits the beacon according to the beacon parameters, as taught by Eagleson, the communications engine is further capable to receive a second message having a second beacon activation command, the second beacon activation command having different parameters than the first beacon activation command, and wherein the beacon engine is further capable to transmit the beacon according to the beacon parameters of the second beacon activation command, also taught by Eagleson, to provide the capability of remotely changing the characteristics of a wireless phone's beacon in the instance the wireless user is unable to alter these characteristics.

As to **claim 28**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 22 and Eagleson teaches everything as applied to claims 26-27; however, Beeson, MacConnell, and van der Pol fail to teach the beacon parameters include beacon power, beacon cadence, and beacon duration.

Eagleson further teaches a beacon activation command from within a signpost command that may instruct the beacon tag to adjust the tag's beacon transmit power, frequency, and period (see column 12, lines 19-22), reading on claimed "the beacon parameters include beacon power, beacon cadence, and beacon duration." Eagleson provides an example of the varying levels in Figure 4. Examiner has interpreted cadence as frequency and duration as period.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone and first beacon activation command, taught by Beeson, MacConnell, and van der Pol, that accepts a second beacon command with different parameters, as taught by Eagleson, that the beacon parameters include beacon power, beacon cadence, and beacon duration, also taught by Eagleson, to provide the capability of remotely ensuring that the wireless phone's beacon can be optimally received by a requesting user.

As to **claim 29**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 22; however, Beeson, MacConnell, and van der Pol fail to teach the beacon engine using default beacon parameters if the beacon activation command does not include parameters.

Eagleson also teaches if a beacon tag does not receive a signpost signal or the signal does not contain a command, then the tag by default sends a beacon signal based on default parameters that consist of omitting information normally obtained from a signpost command (column 7, lines 54-60), reading on claimed "the beacon engine uses default beacon parameters if the beacon activation command does not include parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone and beacon engine, taught by Beeson, MacConnell, and van der Pol, to use default beacon parameters if the beacon activation

command does not include parameters, also taught by Eagleson, to provide a wireless phone to send a beacon signal despite not receiving commands from an beacon activation source.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson, MacConnell, and van der Pol as applied to claim 1 above, and further in view of Brickell (U.S. 5,554,993).

As to **claim 9**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 1; however, neither teach a method of, determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters. The Examiner maintains this feature was old and well known in the art as taught by Brickell.

In an analogous art, Brickell discloses a method of inhibiting the transmission of a homing beacon until the receipt of a activate beacon command (see column 3, lines 37-40), and a step of activating a low power continuous wave beacon (see column 6, lines 15-16 and column 9, lines 51-56).

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the method, taught by Beeson, MacConnell, and van der Pol, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Brickell, to conserve the wireless phone's power.

5. Claims 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson, MacConnell, and van der Pol as applied to claims 12 and 22 above, and further in view of Haartsen (U.S. 5,870,673).

As to **claim 20**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 12 above; however, neither teach a computer-readable medium determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Haartsen.

In an analogous art, Haartsen discloses a power mode control circuit (58) within a mobile terminal (30) that places the mobile terminal in sleep mode to prohibit communication with a wireless network (see column 11, lines 62-66). Haartsen further teaches placing the power mode control circuit (30) in active mode in response to command from a beacon monitor circuit (56) (see column 12, lines 5-9). Haartsen also teaches that a power mode control circuit could be controlled by a microcontroller (see column 13, lines 31-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to further require the computer-readable medium, taught by Beeson, MacConnell, and van der Pol, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Haartsen, to conserve the wireless phone's power.

As to **claim 30**, Beeson, MacConnell, and van der Pol teach everything as applied to claim 22 above; however, neither teaches the beacon engine is further capable of determining whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Haartsen.

Haartsen also teaches a mobile terminal that posses a power control circuit with the means responsive to a beacon monitoring means, where the power control circuit has the ability to place the mobile terminal in a lower power sleep mode in which the mobile terminal does not communicate with a communications network; thereby conserving power of the mobile unit (see column 11, lines 62-66).

It would have been obvious to one of ordinary skill in the art at the time invention was made to further require the wireless phone with a beacon engine, taught by Beeson, MacConnell, and van der Pol, to determine whether or not to enter a power save mode; if it is determined to enter the power save mode then turning off a receiver in the wireless phone and activating the beacon per power save beacon parameters, as taught by Haartsen, to conserve the wireless phone's power.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson, MacConnell, and van der Pol as applied to claim 1 above, and further in view of Watannabe *et al* (U.S. 6,791,996 B1).

As to **claim 33**, Beeson, MacConnell, and van der Pol teach everything as applied in claim 1; however, neither teach the beacon is transmitted at a âequency centered on the first unused transmit channel found during a control channel scan to minimize potential interference with normal operation of a cellular system. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Watannabe.

In the same field of endeavor, Watannabe teaches a communication method and wireless network system for exchanging data in the form of digital signals (column 1, lines 9-10). Watannable also teaches as the beacon indicative of the start of the contention-free mode transmission is transmitted from the control station, the network system is shifted to contention-

free mode communication period 21; upon receiving the beacon, the communication stations set the network allocation vector (NAV) to a maximum value which indicates that the communication media is busy; each communication station; while simultaneously judging that the communication media is busy, is allowed to start the transmission only when it receives a polling signal from the control station intended for that communication station (column 5, lines 28-37), reading on claimed "the beacon is transmitted at a frequency centered on the first unused transmit channel found during a control channel scan to minimize potential interference with normal operation of a cellular system."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method and beacon, taught by Beeson, MacConnell, and van der Pol, the beacon is transmitted at a frequency centered on the first unused transmit channel found during a control channel scan to minimize potential interference with normal operation of a cellular system, as taught by Watannabe, to ensure the beacon transmission will not encounter hostile aerial transmission conditions while attempting to transmit emergency signals.

Response to Arguments

7. Applicant's arguments, see pages 9-10, filed 9/12/2005, with respect to the rejection(s) of claim(s) 1-31 under USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Beeson *et al* (U.S. 6,038,438) in view of MacConnell *et al* (U.S. 6275164 B1) in further view of van der Pol *et al* (U.S. 6397133 B1). Please review above rejection for full explanation.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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